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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,340	11/26/2003	Sung Gi Hwang	0465-1089P	8378
2292	7590	09/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ESTREMSKY, GARY WAYNE	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,340

Applicant(s)

HWANG, SUNG GI

Examiner

Gary Estremsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 19 is/are allowed.
- 6) ☒ Claim(s) 2, 6-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 12 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/05 has been entered.

Claim Objections

2. Claim 14 is objected to because of the following informalities:

claim 14; line 4 - insert –at– after “formed”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 711,812 to Armstrong.

Armstrong '812 teaches Applicant's claim limitations including : a "hook,..., hanging portion is formed at both sides" - c as it is shown in Fig 2, a "latch body" - including a, o, a "pair of holders" - e, e, a "pair of springs" - p, p where 'rear' is not further defined in the claim in such a way as to distinguish from the prior art, a "first reception part" - o, "having side wall portions" - n, n, a "pair of second reception parts" - d, d noting that 'adjacent' is broad limitation that does not distinguish from arrangement of the prior art, a "protrusion" - j, j. Although the reference does not disclose or suggest use of the latch on a "dryer", the latch is inherently capable of use on a dryer where no further particular structure of the claimed latch is specified by recitation of "dryer latch" where the claim has been particularly drawn to not include any dryer structure as part of the invention. It has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior

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art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789. Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

As regards claim 9, a rounded cove portion on each holder 'e' is illustrated in Fig 3 at 'h'.

As regards claim 10, the hole for each spring reads on the "hollow portion" limitation.

As regards claim 11, part 'o' reads on "latch cap" and left/right (as shown in Fig 1) sides of part 'a' read on "reception parts".

As regards claim 13, parts n,n read on "guide protrusions" where they project from the bottom side of 'o' and at least, guide movement of parts e,e as they become engaged. Recitation of 'guide' does not clearly define particular structure that can be relied upon to patentably distinguish.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 711,812 to Armstrong in view of U.S. Pat. No. 2,629,156 to Kamens.

While Armstrong '812 illustrates a rounded contour on 'c', it would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to provide a triangular profile as shown by Kamens '156 for example in order to improve guidance of c as it is being inserted from an off-center axis. One of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not otherwise affect function of the device. It's noted that the holders of Armstrong '812 are already inclined to correspond with their camming function.

Allowable Subject Matter

7. Claims 3, 4, 12, and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 14 and 19 are allowed

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

In the event that there may have been any misunderstanding at the time of the interview as to how recitations of the preamble are to be treated, it is examiner's belief that case law cited and relevant portions of MPEP provide guidance as to how to correctly interpret such limitations. Since no word of a claim is ignored, claim language is necessarily interpreted on a case-by-case basis in accordance with its plain meaning and case law as guidance. In the present case, preamble recitation of "dryer" latch does not further define any structure of the latch defined in the body of the claim and since the dryer does not actually form part of the invention, it seems clear that such recitation is only related to what has been claimed as the invention as some, but unclaimed *intended use* of the invention. Since the prior art could inherently be used on a dryer if intended, it is not clear that any structure has been claimed that might limit the scope of the claimed invention so as to patentably distinguish from the prior art. The examiner is not suggesting (or disclaiming) that use of the prior art on a dryer is obvious under 35 USC 103, particularly since combination of the claimed latch with a dryer is not required as part of the invention. Otherwise, Applicant's favorable amendments have been noted and rejections withdrawn wherever possible.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary Estremsky
Primary Examiner
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